IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.3266 OF 2005
IN
APPEAL NO.942 OF 2005
IN
NOTICE OF MOTION NO.2808 OF 2005
IN
SUIT NO.2543 OF 2005

Jamnadas Dharmashi Rakhasiya — Appellant
vs.
Damayantiben Nenshibhai Shah — Respondent

Mr.Bhavin Bhatia i/b.Mr.Bipin Joshi for the appellant.

Mr.Sunil Gangan i/b.M/s.RMG Law Associates for the respondent.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 19th December 2005

P.C.

During the course of hearing of this notice of motion, the learned counsel for the respondent (original plaintiff) submitted that in the light of the new facts that had come to the knowledge of the plaintiff, plaintiff seeks leave for withdrawal of notice of motion no.2808/2005 taken out before the learned Single Judge whereupon the impugned order came to be passed.

2. In the light of the submission of the learned counsel for the respondent, we take up the appeal for hearing instantly and nothing needs to be done in this notice of motion as having rendered infructuous. Notice of motion is disposed of accordingly.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)